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SUBJECT Appeal Brief (09/997,915)

Number of Pages 51

Date 12/11/2005

MESSAGE

This Fax transmission contains:

- 1. one copy of a Fxa Transmittal Form;**
- 2. two copies of a Fee Transmittal letter, including fee; and**
- 3. three copies of an Appeal Brief.**

Volel

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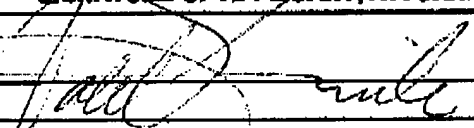
PTO/SB/21 (02-04)

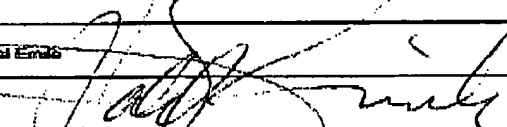
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/997,915
	Filing Date	11/29/2001
	First Named Inventor	Bhupesh Gupta
	Art Unit	2176
	Examiner Name	Caustam Sain
Total Number of Pages in This Submission	Attorney Docket Number	AUS922010868US1

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Interview Summary
Remarks Appeal Brief.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Volel Emile	
Signature		
Date	12/11/2005	

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Typed or printed name	Volel Emile	
Signature		Date 12/11/2005

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Appl. No. 09/997,915
Appeal Brief dated 12/11/2005
Reply to Office Action of 08/25/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	:
Bhupesh Gupta	:
Serial No: 09/997,915	: Before the Examiner:
	: Gautam Sain
Filed: 11/29/2001	: Group Art Unit: 2176
Title: APPARATUS AND METHOD	: Confirmation No.: 6707
OF ORGANIZING BOOKMARKED	:
WEB PAGES INTO CATEGORIES	:

TRANSMITTAL OF APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached is Appellant's Brief, in triplicate, from a decision of the Examiner dated 08/25/2005, finally rejecting the claims in the Application.

The item(s) marked below are appropriate:

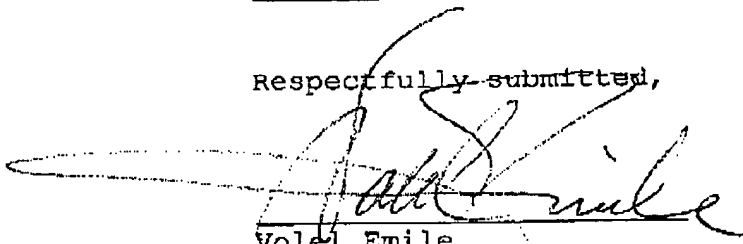
1. _____ A petition and fee for extension of term for reply to the final rejection is attached.
2. X Appeal fee
 X other than a small entity. Fee: \$500.00
3. X Payment
 X Please charge Deposit Account 09-0447 the sum of \$500.00. A duplicate of this notice is attached.

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The Commissioner is hereby authorized to charge any additional fee, which may be required or credit any overpayment to Deposit Account No. 09-0447.

Respectfully submitted,



Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7968

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OF ORGANIZING BOOKMARKED	:
WEB PAGES INTO CATEGORIES	:

APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal to a final rejection dated August 25, 2005 of claims 1 - 33 of Application Serial Number 09/997,915 filed on October 29, 2001. This Appeal Brief is submitted pursuant to a Notice of Appeal filed on October 11, 2005 in accordance with 37 C.F.R. 1.192.

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Appl. No. 09/997,915
Appeal Brief dated 12/11/2005
Reply to Office Action of 08/25/2005

BRIEF FOR APPLICANTS - APPELLANTS

(1)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(2)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3)

Status of Claims

Claims 1 - 32 have been finally rejected under 35 U.S.C. §102(b) as being anticipated by Burke (US 6,032,162) in an Office Action dated August 25, 2005. In that Office Action, newly added Claim 33 was also finally rejected under 35 U.S.C. §103 as being unpatentable over Burke.

(4)

Status of Amendment

All amendments have been entered.

(5)

Summary of the Invention

The present invention provides an apparatus, system, computer program product and method of organizing

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bookmarked Web pages into categories. In accordance with the teachings of the invention, when a user is bookmarking a Web page, a check is made to determine whether the Web page to be bookmarked is assigned a category on a server. If so, the category is downloaded from the server. A sub-folder is then created with the downloaded category as a name and the bookmarked page is stored therein (see page 12, lines 13 to 23, page 15, lines 16 to 24 and page 15, line 27 to page 16, line 9).

(6)

Issues

Whether Claims 1 - 32 were properly rejected under 102(b) as being anticipated by Burke. And, whether Claim 33 was properly rejected under 103.

(7)

Grouping of Claims

The rejected claims fall under two groups:

Group I: 1 - 32; and

Group II: 33.

(8)

Argument

In considering a Section 102 rejection, all the elements of the claimed invention must be disclosed in a single item of prior art in the form literally defined in the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); *Atlas Powder Co. v. Dupont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984);

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Reply to Office Action of 08/23/2005

American Hospital Supply v. Travenol Labs., 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984).

Burke purports to provide a system for storing bookmark files at a remote location. According to Burke, a bookmark file that is stored on a local computer system (i.e., a system that is being used by a user) may also be stored remotely for anytime availability. When a bookmark file is being stored at a remote location, the file may be merged with another bookmark file which may have been previously stored thereat. When the bookmark files are merged together, bookmarked Web pages from the new bookmark file may be stored in categories or sub-folders in which bookmarked pages from the previously stored bookmark file are stored. The categories may be in accordance with a master set of theme and topic codes. In this case, individual pages will have been given a topic and theme code by the local system. After storing the bookmark file at the remote location, the user may at anytime download the file to any local system and the bookmarked pages will be displayed in their respective category.

However, Burke does not teach, show or so much as suggest bookmarking web pages by first **determining whether a server has assigned a category to the page and if so, to download the category and to use it as the title of a sub-folder into which the page is stored in the bookmark folder** as claimed.

Consequently, Applicants submit that the Claims 1 - 32 are allowable. Hence, Applicants respectfully request allowance and passage to issue of the claims in the Application.

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Regarding Claim 33, it specifically states that when a Web page is to be stored on a local computer system, a check is made to determine whether the page has been assigned a category on a remote system. If so, the category is downloaded. And if the downloaded category does not already exist as a title of a sub-folder in the bookmark folder, a sub-folder having for title the category is created into which the page is stored.

It is a well settled law that in considering a Section §103 rejection, the subject matter of the claim "as a whole" must be considered and analyzed. In the analysis, it is necessary that the scope and contents of the prior art and differences between the art and the claimed invention be determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

As mentioned above, the disclosure of Burke is directed toward storing bookmark files at remote systems such that users may always have access to the files. It is not directed to bookmark Web pages locally. Thus, Burke does not show the steps of downloading categories, creating sub-folders with the downloaded categories as title and to store Web pages locally in those created categories.

Therefore Applicants submit Claim 33 should also be allowable.

Respectfully submitted,

By: 

Volel Emile
Attorney for Applicants
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(512) 306-7969

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APPENDIX

1. (Previously presented) A computer implemented method of categorizing bookmarked Web pages in a bookmark folder comprising the steps of:

determining whether a Web page to be bookmarked has been assigned a category on a server;

downloading the category if the Web page has been assigned a category;

creating a sub-folder in the bookmark folder with the category as a name; and

storing a bookmark to the Web page into the sub-folder.

2. (Previously presented) The computer implemented method of Claim 1 further including the step of determining whether there already exists a sub-folder with the category as a name before creating the sub-folder.

3. (Previously presented) The computer implemented method of Claim 2 wherein if there already exists a sub-folder with the category as a name, the bookmark to the Web page is stored into the already existed sub-folder and the sub-folder is not created.

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4. (Previously presented) The computer implemented method of Claim 1 wherein if the Web page has not been assigned a category, the Web page is stored into a default sub-folder.
5. (Previously presented) The computer implemented method of Claim 4 wherein if the Web page has not been assigned a category, a note is sent to an administrator of the server requesting that the Web page be assigned a category.
6. (Previously presented) The computer implemented method of Claim 5 wherein after the Web page has been assigned a category, the category and the URL of the Web page are downloaded wherein the downloaded category is used as a name to a sub-folder into which the bookmark to the Web page is to be moved and the URL is used to differentiate the Web page from other Web pages that may be in the default sub-folder.
7. (Previously presented) The computer implemented method of Claim 6 further including the step of determining whether there already exists a sub-folder with the category as a name in the bookmark folder before creating the sub-folder.
8. (Previously presented) The computer implemented method of Claim 7 wherein if there already exists a sub-folder with the category as a name, a sub-folder is

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not created and the bookmark to the Web page is moved into the already existed sub-folder.

9. (Previously presented) A computer program product on a computer readable medium for categorizing bookmarked Web pages in a bookmark folder comprising:

code means for determining whether a Web page to be bookmarked has been assigned a category on a server;

code means for downloading the category if the Web page has been assigned a category;

code means for creating a sub-folder in the bookmark folder with the category as a name; and

code means for storing a bookmark to the Web page into the sub-folder.

10. (Original) The computer program product of Claim 9 further including code means for determining whether there already exists a sub-folder with the category as a name before creating the sub-folder.

11. (Original) The computer program product of Claim 10 wherein if there already exists a sub-folder with the category as a name, the bookmark to the Web page is stored into the already existed sub-folder and the sub-folder is not created.

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12. (Original) The computer program product of Claim 9 wherein if the Web page has not been assigned a category, the bookmark to the Web page is stored into a default sub-folder.
13. (Original) The computer program product of Claim 12 wherein if the Web page has not been assigned a category, a note is sent to an administrator of the server requesting that the Web page be assigned a category.
14. (Original) The computer program product of Claim 13 wherein after the Web page has been assigned a category, the category and the URL of the Web page are downloaded wherein the downloaded category is used as a name to a sub-folder into which the bookmark to the Web page is to be moved and the URL is used to differentiate the Web page from other Web pages that may be in the default sub-folder.
15. (Original) The computer program product of Claim 14 further including code means for determining whether there already exists a sub-folder with the category as a name in the bookmark folder before creating the sub-folder.
16. (Original) The computer program product of Claim 15 wherein if there already exists a sub-folder with the category as a name, a sub-folder is not created and

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the bookmark to the Web page is moved into the already existed sub-folder.

17. (Previously presented) A computer implemented apparatus for categorizing bookmarked Web pages in a bookmark folder comprising:

means for determining whether a Web page to be bookmarked has been assigned a category on a server;

means for downloading the category if the Web page has been assigned a category;

means for creating a sub-folder in the bookmark folder with the category as a name; and

means for storing a bookmark to the Web page into the sub-folder.

18. (Previously presented) The computer implemented apparatus of Claim 17 further including means for determining whether there already exists a sub-folder with the category as a name before creating the sub-folder.

19. (Previously presented) The computer implemented apparatus of Claim 18 wherein if there already exists a sub-folder with the category as a name, the bookmark to the Web page is stored into the already existed sub-folder and the sub-folder is not created.

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20. (Previously presented) The computer implemented apparatus of Claim 17 wherein if the Web page has not been assigned a category, the bookmark to the Web page is stored into a default sub-folder.
21. (Previously presented) The computer implemented apparatus of Claim 20 wherein if the Web page has not been assigned a category, a note is sent to an administrator of the server requesting that the Web page be assigned a category.
22. (Previously presented) The computer implemented apparatus of Claim 21 wherein after the Web page has been assigned a category, the category and the URL of the Web page are downloaded wherein the downloaded category is used as a name to a sub-folder into which the bookmark to the Web page is to be moved and the URL is used to differentiate the Web page from other Web pages that may be in the default sub-folder.
23. (Previously presented) The computer implemented apparatus of Claim 22 further including code means for determining whether there already exists a sub-folder with the category as a name in the bookmark folder before creating the sub-folder.
24. (Previously presented) The computer implemented apparatus of Claim 23 wherein if there already exists a sub-folder with the category as a name, a sub-folder

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is not created and the bookmark to the Web page is moved into the already existed sub-folder.

25. (Previously presented) A computer system for categorizing bookmarked Web pages in a bookmark folder comprising:

at least one memory device for storing code data; and

at least one processor for processing the code data to determine whether a Web page to be bookmarked has been assigned a category on a server, to download the category if the Web page has been assigned a category, to create a sub-folder in the bookmark folder with the category as a name and to store a bookmark to the Web page into the sub-folder.

26. (Original) The computer system of Claim 25 wherein the processor processes the code data to further determine whether there already exists a sub-folder with the category as a name before creating the sub-folder.

27. (Original) The computer system of Claim 26 wherein if there already exists a sub-folder with the category as a name, the bookmark to the Web page is stored into the already existed sub-folder and the sub-folder is not created.

28. (Original) The computer system of Claim 25 wherein if the Web page has not been assigned a category, the

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bookmark to the Web page is stored in a default sub-folder.

29. (Original) The computer system of Claim 28 wherein if the Web page has not been assigned a category, a note is sent to an administrator of the server requesting that the Web page be assigned a category.
30. (Original) The computer system of Claim 29 wherein after the Web page has been assigned a category, the category and the URL of the Web page are downloaded wherein the downloaded category is used as a name to a sub-folder into which the bookmark to the Web page is to be moved and the URL is used to differentiate the Web page from other Web pages that may be in the default sub-folder.
31. (Original) The computer system of Claim 30 wherein the processor processes the code data to further determine whether there already exists a sub-folder with the category as a name in the bookmark folder before creating the sub-folder.
32. (Original) The computer system of Claim 31 wherein if there already exists a sub-folder with the category as a name, a sub-folder is not created and the bookmark to the Web page is moved into the already existed sub-folder.

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33. (Previously presented) A computer implemented method of categorizing bookmarked Web pages in a bookmark folder on a local computer system comprising the steps of:

determining whether a Web page is to be bookmarked on the local computer system;

determining, if the Web page is to be bookmarked, whether the Web page has been assigned a category on a remote computer system;

downloading the category if the Web page has been assigned a category;

determining whether the downloaded category already exists as a name of a sub-folder in the bookmark sub-folder on the local computer system;

storing, if the downloaded category already exists as a name of a sub-folder in the bookmark sub-folder on the local computer system, a bookmark to the Web page into the sub-folder;

creating, if the downloaded category does not already exist as a name of a sub-folder in the bookmark sub-folder on the local computer system, a sub-folder in the bookmark folder on the local computer system with the downloaded category as a name for the sub-folder;
and

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storing the bookmark to the Web page into the created
sub-folder.

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APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192

Commissioner for Patents
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Sir:

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BRIEF FOR APPLICANTS - APPELLANTS

(1)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(2)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3)

Status of Claims

Claims 1 - 32 have been finally rejected under 35 U.S.C. §102(b) as being anticipated by Burke (US 6,032,162) in an Office Action dated August 25, 2005. In that Office Action, newly added Claim 33 was also finally rejected under 35 U.S.C. §103 as being unpatentable over Burke.

(4)

Status of Amendment

All amendments have been entered.

(5)

Summary of the Invention

The present invention provides an apparatus, system, computer program product and method of organizing

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bookmarked Web pages into categories. In accordance with the teachings of the invention, when a user is bookmarking a Web page, a check is made to determine whether the Web page to be bookmarked is assigned a category on a server. If so, the category is downloaded from the server. A sub-folder is then created with the downloaded category as a name and the bookmarked page is stored therein (see page 12, lines 13 to 23, page 15, lines 16 to 24 and page 15, line 27 to page 16, line 9).

(6)

Issues

Whether Claims 1 - 32 were properly rejected under 102(b) as being anticipated by Burke. And, whether Claim 33 was properly rejected under 103.

(7)

Grouping of Claims

The rejected claims fall under two groups:

Group I: 1 - 32; and

Group II: 33.

(8)

Argument

In considering a Section 102 rejection, all the elements of the claimed invention must be disclosed in a single item of prior art in the form literally defined in the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); *Atlas Powder Co. v. Dupont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984);

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American Hospital Supply v. Travenol Labs., 745 F.2d 1, 223
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Burke purports to provide a system for storing bookmark files at a remote location. According to Burke, a bookmark file that is stored on a local computer system (i.e., a system that is being used by a user) may also be stored remotely for anytime availability. When a bookmark file is being stored at a remote location, the file may be merged with another bookmark file which may have been previously stored thereat. When the bookmark files are merged together, bookmarked Web pages from the new bookmark file may be stored in categories or sub-folders in which bookmarked pages from the previously stored bookmark file are stored. The categories may be in accordance with a master set of theme and topic codes. In this case, individual pages will have been given a topic and theme code by the local system. After storing the bookmark file at the remote location, the user may at anytime download the file to any local system and the bookmarked pages will be displayed in their respective category.

However, Burke does not teach, show or so much as suggest bookmarking web pages by first **determining whether a server has assigned a category to the page** and if so, to **download the category and to use it as the title of a sub-folder into which the page is stored in the bookmark folder** as claimed.

Consequently, Applicants submit that the Claims 1 - 32 are allowable. Hence, Applicants respectfully request allowance and passage to issue of the claims in the Application.

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Regarding Claim 33, it specifically states that when a Web page is to be stored on a local computer system, a check is made to determine whether the page has been assigned a category on a remote system. If so, the category is downloaded. And if the downloaded category does not already exist as a title of a sub-folder in the bookmark folder, a sub-folder having for title the category is created into which the page is stored.

It is a well settled law that in considering a Section §103 rejection, the subject matter of the claim "as a whole" must be considered and analyzed. In the analysis, it is necessary that the scope and contents of the prior art and differences between the art and the claimed invention be determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

As mentioned above, the disclosure of Burke is directed toward storing bookmark files at remote systems such that users may always have access to the files. It is not directed to bookmark Web pages locally. Thus, Burke does not show the steps of downloading categories, creating sub-folders with the downloaded categories as title and to store Web pages locally in those created categories.

Therefore Applicants submit Claim 33 should also be allowable.

Respectfully submitted,

By: 

Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969

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APPENDIX

1. (Previously presented) A computer implemented method of categorizing bookmarked Web pages in a bookmark folder comprising the steps of:

determining whether a Web page to be bookmarked has been assigned a category on a server;

downloading the category if the Web page has been assigned a category;

creating a sub-folder in the bookmark folder with the category as a name; and

storing a bookmark to the Web page into the sub-folder.

2. (Previously presented) The computer implemented method of Claim 1 further including the step of determining whether there already exists a sub-folder with the category as a name before creating the sub-folder.

3. (Previously presented) The computer implemented method of Claim 2 wherein if there already exists a sub-folder with the category as a name, the bookmark to the Web page is stored into the already existed sub-folder and the sub-folder is not created.

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4. (Previously presented) The computer implemented method of Claim 1 wherein if the Web page has not been assigned a category, the Web page is stored into a default sub-folder.
5. (Previously presented) The computer implemented method of Claim 4 wherein if the Web page has not been assigned a category, a note is sent to an administrator of the server requesting that the Web page be assigned a category.
6. (Previously presented) The computer implemented method of Claim 5 wherein after the Web page has been assigned a category, the category and the URL of the Web page are downloaded wherein the downloaded category is used as a name to a sub-folder into which the bookmark to the Web page is to be moved and the URL is used to differentiate the Web page from other Web pages that may be in the default sub-folder.
7. (Previously presented) The computer implemented method of Claim 6 further including the step of determining whether there already exists a sub-folder with the category as a name in the bookmark folder before creating the sub-folder.
8. (Previously presented) The computer implemented method of Claim 7 wherein if there already exists a sub-folder with the category as a name, a sub-folder is

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not created and the bookmark to the Web page is moved into the already existed sub-folder.

9. (Previously presented) A computer program product on a computer readable medium for categorizing bookmarked Web pages in a bookmark folder comprising:

code means for determining whether a Web page to be bookmarked has been assigned a category on a server;

code means for downloading the category if the Web page has been assigned a category;

code means for creating a sub-folder in the bookmark folder with the category as a name; and

code means for storing a bookmark to the Web page into the sub-folder.

10. (Original) The computer program product of Claim 9 further including code means for determining whether there already exists a sub-folder with the category as a name before creating the sub-folder.

11. (Original) The computer program product of Claim 10 wherein if there already exists a sub-folder with the category as a name, the bookmark to the Web page is stored into the already existed sub-folder and the sub-folder is not created.

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12. (Original) The computer program product of Claim 9 wherein if the Web page has not been assigned a category, the bookmark to the Web page is stored into a default sub-folder.
13. (Original) The computer program product of Claim 12 wherein if the Web page has not been assigned a category, a note is sent to an administrator of the server requesting that the Web page be assigned a category.
14. (Original) The computer program product of Claim 13 wherein after the Web page has been assigned a category, the category and the URL of the Web page are downloaded wherein the downloaded category is used as a name to a sub-folder into which the bookmark to the Web page is to be moved and the URL is used to differentiate the Web page from other Web pages that may be in the default sub-folder.
15. (Original) The computer program product of Claim 14 further including code means for determining whether there already exists a sub-folder with the category as a name in the bookmark folder before creating the sub-folder.
16. (Original) The computer program product of Claim 15 wherein if there already exists a sub-folder with the category as a name, a sub-folder is not created and

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the bookmark to the Web page is moved into the already existed sub-folder.

17. (Previously presented) A computer implemented apparatus for categorizing bookmarked Web pages in a bookmark folder comprising:

means for determining whether a Web page to be bookmarked has been assigned a category on a server;

means for downloading the category if the Web page has been assigned a category;

means for creating a sub-folder in the bookmark folder with the category as a name; and

means for storing a bookmark to the Web page into the sub-folder.

18. (Previously presented) The computer implemented apparatus of Claim 17 further including means for determining whether there already exists a sub-folder with the category as a name before creating the sub-folder.

19. (Previously presented) The computer implemented apparatus of Claim 18 wherein if there already exists a sub-folder with the category as a name, the bookmark to the Web page is stored into the already existed sub-folder and the sub-folder is not created.

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20. (Previously presented) The computer implemented apparatus of Claim 17 wherein if the Web page has not been assigned a category, the bookmark to the Web page is stored into a default sub-folder.
21. (Previously presented) The computer implemented apparatus of Claim 20 wherein if the Web page has not been assigned a category, a note is sent to an administrator of the server requesting that the Web page be assigned a category.
22. (Previously presented) The computer implemented apparatus of Claim 21 wherein after the Web page has been assigned a category, the category and the URL of the Web page are downloaded wherein the downloaded category is used as a name to a sub-folder into which the bookmark to the Web page is to be moved and the URL is used to differentiate the Web page from other Web pages that may be in the default sub-folder.
23. (Previously presented) The computer implemented apparatus of Claim 22 further including code means for determining whether there already exists a sub-folder with the category as a name in the bookmark folder before creating the sub-folder.
24. (Previously presented) The computer implemented apparatus of Claim 23 wherein if there already exists a sub-folder with the category as a name, a sub-folder

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is not created and the bookmark to the Web page is moved into the already existed sub-folder.

25. (Previously presented) A computer system for categorizing bookmarked Web pages in a bookmark folder comprising:

at least one memory device for storing code data; and

at least one processor for processing the code data to determine whether a Web page to be bookmarked has been assigned a category on a server, to download the category if the Web page has been assigned a category, to create a sub-folder in the bookmark folder with the category as a name and to store a bookmark to the Web page into the sub-folder.

26. (Original) The computer system of Claim 25 wherein the processor processes the code data to further determine whether there already exists a sub-folder with the category as a name before creating the sub-folder.

27. (Original) The computer system of Claim 26 wherein if there already exists a sub-folder with the category as a name, the bookmark to the Web page is stored into the already existed sub-folder and the sub-folder is not created.

28. (Original) The computer system of Claim 25 wherein if the Web page has not been assigned a category, the

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bookmark to the Web page is stored in a default sub-folder.

29. (Original) The computer system of Claim 28 wherein if the Web page has not been assigned a category, a note is sent to an administrator of the server requesting that the Web page be assigned a category.
30. (Original). The computer system of Claim 29 wherein after the Web page has been assigned a category, the category and the URL of the Web page are downloaded wherein the downloaded category is used as a name to a sub-folder into which the bookmark to the Web page is to be moved and the URL is used to differentiate the Web page from other Web pages that may be in the default sub-folder.
31. (Original) The computer system of Claim 30 wherein the processor processes the code data to further determine whether there already exists a sub-folder with the category as a name in the bookmark folder before creating the sub-folder.
32. (Original) The computer system of Claim 31 wherein if there already exists a sub-folder with the category as a name, a sub-folder is not created and the bookmark to the Web page is moved into the already existed sub-folder.

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33. (Previously presented) A computer implemented method of categorizing bookmarked Web pages in a bookmark folder on a local computer system comprising the steps of:

determining whether a Web page is to be bookmarked on the local computer system;

determining, if the Web page is to be bookmarked, whether the Web page has been assigned a category on a remote computer system;

downloading the category if the Web page has been assigned a category;

determining whether the downloaded category already exists as a name of a sub-folder in the bookmark sub-folder on the local computer system;

storing, if the downloaded category already exists as a name of a sub-folder in the bookmark sub-folder on the local computer system, a bookmark to the Web page into the sub-folder;

creating, if the downloaded category does not already exist as a name of a sub-folder in the bookmark sub-folder on the local computer system, a sub-folder in the bookmark folder on the local computer system with the downloaded category as a name for the sub-folder;
and

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storing the bookmark to the Web page into the created
sub-folder.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	:
Bhupesh Gupta	:
	: Before the Examiner:
Serial No: 09/997,915	: Gautam Sain
	:
Filed: 11/29/2001	: Group Art Unit: 2176
	:
Title: APPARATUS AND METHOD	: Confirmation No.: 6707
OF ORGANIZING BOOKMARKED	:
WEB PAGES INTO CATEGORIES	:

APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal to a final rejection dated August 25, 2005 of claims 1 - 33 of Application Serial Number 09/997,915 filed on October 29, 2001. This Appeal Brief is submitted pursuant to a Notice of Appeal filed on October 11, 2005 in accordance with 37 C.F.R. 1.192.

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BRIEF FOR APPLICANTS - APPELLANTS

(1)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(2)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3)

Status of Claims

Claims 1 - 32 have been finally rejected under 35 U.S.C. §102(b) as being anticipated by Burke (US 6,032,162) in an Office Action dated August 25, 2005. In that Office Action, newly added Claim 33 was also finally rejected under 35 U.S.C. §103 as being unpatentable over Burke.

(4)

Status of Amendment

All amendments have been entered.

(5)

Summary of the Invention

The present invention provides an apparatus, system, computer program product and method of organizing

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bookmarked Web pages into categories. In accordance with the teachings of the invention, when a user is bookmarking a Web page, a check is made to determine whether the Web page to be bookmarked is assigned a category on a server. If so, the category is downloaded from the server. A sub-folder is then created with the downloaded category as a name and the bookmarked page is stored therein (see page 12, lines 13 to 23, page 15, lines 16 to 24 and page 15, line 27 to page 16, line 9).

(6)

Issues

Whether Claims 1 - 32 were properly rejected under 102(b) as being anticipated by Burke. And, whether Claim 33 was properly rejected under 103.

(7)

Grouping of Claims

The rejected claims fall under two groups:

Group I: 1 - 32; and

Group II: 33.

(8)

Argument

In considering a Section 102 rejection, all the elements of the claimed invention must be disclosed in a single item of prior art in the form literally defined in the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); *Atlas Powder Co. v. Dupont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984);

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American Hospital Supply v. Travenol Labs., 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984).

Burke purports to provide a system for storing bookmark files at a remote location. According to Burke, a bookmark file that is stored on a local computer system (i.e., a system that is being used by a user) may also be stored remotely for anytime availability. When a bookmark file is being stored at a remote location, the file may be merged with another bookmark file which may have been previously stored thereat. When the bookmark files are merged together, bookmarked Web pages from the new bookmark file may be stored in categories or sub-folders in which bookmarked pages from the previously stored bookmark file are stored. The categories may be in accordance with a master set of theme and topic codes. In this case, individual pages will have been given a topic and theme code by the local system. After storing the bookmark file at the remote location, the user may at anytime download the file to any local system and the bookmarked pages will be displayed in their respective category.

However, Burke does not teach, show or so much as suggest bookmarking web pages by first **determining whether a server has assigned a category to the page** and if so, to **download the category and to use it as the title of a sub-folder into which the page is stored in the bookmark folder** as claimed.

Consequently, Applicants submit that the Claims 1 - 32 are allowable. Hence, Applicants respectfully request allowance and passage to issue of the claims in the Application.

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Regarding Claim 33, it specifically states that when a Web page is to be stored on a local computer system, a check is made to determine whether the page has been assigned a category on a remote system. If so, the category is downloaded. And if the downloaded category does not already exist as a title of a sub-folder in the bookmark folder, a sub-folder having for title the category is created into which the page is stored.

It is a well settled law that in considering a Section §103 rejection, the subject matter of the claim "as a whole" must be considered and analyzed. In the analysis, it is necessary that the scope and contents of the prior art and differences between the art and the claimed invention be determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

As mentioned above, the disclosure of Burke is directed toward storing bookmark files at remote systems such that users may always have access to the files. It is not directed to bookmark Web pages locally. Thus, Burke does not show the steps of downloading categories, creating sub-folders with the downloaded categories as title and to store Web pages locally in those created categories.

Therefore Applicants submit Claim 33 should also be allowable.

Respectfully submitted,

By: 

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Attorney for Applicants
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(512) 306-7969

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APPENDIX

1. (Previously presented) A computer implemented method of categorizing bookmarked Web pages in a bookmark folder comprising the steps of:

determining whether a Web page to be bookmarked has been assigned a category on a server;

downloading the category if the Web page has been assigned a category;

creating a sub-folder in the bookmark folder with the category as a name; and

storing a bookmark to the Web page into the sub-folder.

2. (Previously presented) The computer implemented method of Claim 1 further including the step of determining whether there already exists a sub-folder with the category as a name before creating the sub-folder.

3. (Previously presented) The computer implemented method of Claim 2 wherein if there already exists a sub-folder with the category as a name, the bookmark to the Web page is stored into the already existed sub-folder and the sub-folder is not created.

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4. (Previously presented) The computer implemented method of Claim 1 wherein if the Web page has not been assigned a category, the Web page is stored into a default sub-folder.
5. (Previously presented) The computer implemented method of Claim 4 wherein if the Web page has not been assigned a category, a note is sent to an administrator of the server requesting that the Web page be assigned a category.
6. (Previously presented) The computer implemented method of Claim 5 wherein after the Web page has been assigned a category, the category and the URL of the Web page are downloaded wherein the downloaded category is used as a name to a sub-folder into which the bookmark to the Web page is to be moved and the URL is used to differentiate the Web page from other Web pages that may be in the default sub-folder.
7. (Previously presented) The computer implemented method of Claim 6 further including the step of determining whether there already exists a sub-folder with the category as a name in the bookmark folder before creating the sub-folder.
8. (Previously presented) The computer implemented method of Claim 7 wherein if there already exists a sub-folder with the category as a name, a sub-folder is

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not created and the bookmark to the Web page is moved into the already existed sub-folder.

9. (Previously presented) A computer program product on a computer readable medium for categorizing bookmarked Web pages in a bookmark folder comprising:

code means for determining whether a Web page to be bookmarked has been assigned a category on a server;

code means for downloading the category if the Web page has been assigned a category;

code means for creating a sub-folder in the bookmark folder with the category as a name; and

code means for storing a bookmark to the Web page into the sub-folder.

10. (Original) The computer program product of Claim 9 further including code means for determining whether there already exists a sub-folder with the category as a name before creating the sub-folder.

11. (Original) The computer program product of Claim 10 wherein if there already exists a sub-folder with the category as a name, the bookmark to the Web page is stored into the already existed sub-folder and the sub-folder is not created.

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12. (Original) The computer program product of Claim 9 wherein if the Web page has not been assigned a category, the bookmark to the Web page is stored into a default sub-folder.
13. (Original) The computer program product of Claim 12 wherein if the Web page has not been assigned a category, a note is sent to an administrator of the server requesting that the Web page be assigned a category.
14. (Original) The computer program product of Claim 13 wherein after the Web page has been assigned a category, the category and the URL of the Web page are downloaded wherein the downloaded category is used as a name to a sub-folder into which the bookmark to the Web page is to be moved and the URL is used to differentiate the Web page from other Web pages that may be in the default sub-folder.
15. (Original) The computer program product of Claim 14 further including code means for determining whether there already exists a sub-folder with the category as a name in the bookmark folder before creating the sub-folder.
16. (Original) The computer program product of Claim 15 wherein if there already exists a sub-folder with the category as a name, a sub-folder is not created and

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the bookmark to the Web page is moved into the already existed sub-folder.

17. (Previously presented) A computer implemented apparatus for categorizing bookmarked Web pages in a bookmark folder comprising:

means for determining whether a Web page to be bookmarked has been assigned a category on a server;

means for downloading the category if the Web page has been assigned a category;

means for creating a sub-folder in the bookmark folder with the category as a name; and

means for storing a bookmark to the Web page into the sub-folder.

18. (Previously presented) The computer implemented apparatus of Claim 17 further including means for determining whether there already exists a sub-folder with the category as a name before creating the sub-folder.

19. (Previously presented) The computer implemented apparatus of Claim 18 wherein if there already exists a sub-folder with the category as a name, the bookmark to the Web page is stored into the already existed sub-folder and the sub-folder is not created.

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20. (Previously presented) The computer implemented apparatus of Claim 17 wherein if the Web page has not been assigned a category, the bookmark to the Web page is stored into a default sub-folder.
21. (Previously presented) The computer implemented apparatus of Claim 20 wherein if the Web page has not been assigned a category, a note is sent to an administrator of the server requesting that the Web page be assigned a category.
22. (Previously presented) The computer implemented apparatus of Claim 21 wherein after the Web page has been assigned a category, the category and the URL of the Web page are downloaded wherein the downloaded category is used as a name to a sub-folder into which the bookmark to the Web page is to be moved and the URL is used to differentiate the Web page from other Web pages that may be in the default sub-folder.
23. (Previously presented) The computer implemented apparatus of Claim 22 further including code means for determining whether there already exists a sub-folder with the category as a name in the bookmark folder before creating the sub-folder.
24. (Previously presented) The computer implemented apparatus of Claim 23 wherein if there already exists a sub-folder with the category as a name, a sub-folder

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is not created and the bookmark to the Web page is moved into the already existed sub-folder.

25. (Previously presented) A computer system for categorizing bookmarked Web pages in a bookmark folder comprising:

at least one memory device for storing code data; and

at least one processor for processing the code data to determine whether a Web page to be bookmarked has been assigned a category on a server, to download the category if the Web page has been assigned a category, to create a sub-folder in the bookmark folder with the category as a name and to store a bookmark to the Web page into the sub-folder.

26. (Original) The computer system of Claim 25 wherein the processor processes the code data to further determine whether there already exists a sub-folder with the category as a name before creating the sub-folder.

27. (Original) The computer system of Claim 26 wherein if there already exists a sub-folder with the category as a name, the bookmark to the Web page is stored into the already existed sub-folder and the sub-folder is not created.

28. (Original) The computer system of Claim 25 wherein if the Web page has not been assigned a category, the

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bookmark to the Web page is stored in a default sub-folder.

29. (Original) The computer system of Claim 28 wherein if the Web page has not been assigned a category, a note is sent to an administrator of the server requesting that the Web page be assigned a category.
30. (Original) The computer system of Claim 29 wherein after the Web page has been assigned a category, the category and the URL of the Web page are downloaded wherein the downloaded category is used as a name to a sub-folder into which the bookmark to the Web page is to be moved and the URL is used to differentiate the Web page from other Web pages that may be in the default sub-folder.
31. (Original) The computer system of Claim 30 wherein the processor processes the code data to further determine whether there already exists a sub-folder with the category as a name in the bookmark folder before creating the sub-folder.
32. (Original) The computer system of Claim 31 wherein if there already exists a sub-folder with the category as a name, a sub-folder is not created and the bookmark to the Web page is moved into the already existed sub-folder.

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33. (Previously presented) A computer implemented method of categorizing bookmarked Web pages in a bookmark folder on a local computer system comprising the steps of:

determining whether a Web page is to be bookmarked on the local computer system;

determining, if the Web page is to be bookmarked, whether the Web page has been assigned a category on a remote computer system;

downloading the category if the Web page has been assigned a category;

determining whether the downloaded category already exists as a name of a sub-folder in the bookmark sub-folder on the local computer system;

storing, if the downloaded category already exists as a name of a sub-folder in the bookmark sub-folder on the local computer system, a bookmark to the Web page into the sub-folder;

creating, if the downloaded category does not already exist as a name of a sub-folder in the bookmark sub-folder on the local computer system, a sub-folder in the bookmark folder on the local computer system with the downloaded category as a name for the sub-folder;
and

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storing the bookmark to the Web page into the created
sub-folder.

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